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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,526	10/25/2002	Craig Duray Brossman	BLD920010031US1	2143
50441 7590 06/13/2008 DUFT BORNSSEN & FISHMAN, LLP 1526 SPRUCE STREET SUITE 302 BOULDER, CO 80302				
EXAMINER THOMAS, ASHISH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/065,526

Applicant(s)

BROSSMAN ET AL.

Examiner

ASHISH K. THOMAS

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2008 has been entered.

Response to Arguments

Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hower(U.S. 5,467,434) in view of Schwarz(U.S. 6,476,927).

Regarding claim 6, Hower Jr discloses an apparatus comprising: a plurality of printers, each having printer capabilities that vary from other printers; (**Fig 2 12-1 through 12-N and Col 3 Lin 40-47 teaches a plurality of printers.**) an information

handling system (**Fig 2 #25 and #37**) communicating with said plurality of printers for selectively transmitting thereto specific print source files, (**Column 3, lines 50-55 that the electronic document corresponding to a ticket is transferred to a selected printer.**) said information handling system having a processor and memory associated with said processor; (**Column 3, lines 50-55 inherently teaches the processor and memory; otherwise, it would not be possible to perform the stated functionalities.**) program instructions stored in said memory accessible to said processor (**Col 4 Lin 52-55**) and effective when executing on said processor to: allow an operator to select for a specific print source file (**Col 3 Lin 50-66 discloses a user interface that permits a user input print job options in ticket.**) set of desired printer options stored in a job ticket associated with the print source file; (**Fig 2 #16, Fig 4-5, Col 4 Lin 2-10 teach a job ticket 35 that has all the inputted options.**) retain a plurality of printer capabilities files each providing a set of definitions of printer capabilities for a corresponding one of said plurality of printer; (**Col 4 Lin 49-64 discloses that the combination examiner (#37) stores printer profiles so that printer capabilities can be compared to the desired options designated in the print job ticket.**) select a printer from the said plurality of printers; (**Column 4, lines 13-26 teaches that a printer is selected based on the job ticket.**) compare the operator selected printer options in the stored job ticket with the printer capabilities defined in the printer capabilities file corresponding to the selected printer (**Col 4 Lin 49-64 teaches a comparison step as well.**) and then if the printer options in the stored job ticket are available within the defined capabilities of the printer capabilities file of the selected

printer, then send the at least one printer specific command and the print source file to the selected printer; **(Fig 8 discloses an example of evaluation of one desired option corresponding to a plurality of printer profiles and Col 6 Lin 5-19 discloses this comparison is done for all the desired print options, Fig 8 #72-1 discloses the job ticket and corresponding file is sent to the responsive printer's queue.)** and signal an error if the printer options are unavailable within the defined capabilities of the printer capabilities file of the selected printer. **(Fig 8 #54, Col 6 Lin 20-27 teaches that an error message is displayed if there is a mismatch.)**

Howar does not teach an apparatus that allows an operator to select for a specific print source file, a device independent set of desired printer options stored in a job ticket associated with the print source file, wherein the device independent set of desired printer options map to at least one printer specific command for at least one printer of the plurality of printers. Nor does Howar teach the ability to convert the device independent printer options in the stored job ticket to the at least one printer specific command based on the defined capabilities file of the selected printer.

Schwarz on other hand, teaches an apparatus that allows an operator to select for a specific print source file, a device independent set of desired printer options stored in a job ticket associated with the print source file, wherein the device independent set of desired printer options map to at least one printer specific command for at least one printer of the plurality of printers. **(Column 5, lines 1-16 details the user's ability to set print options for the job ticket. This reference further discloses that the print options are selected from a printer pool 30 of all available printer options. This,**

in turn, reads on device independent printer options since the selected options are not based on just one device, rather they are based on a plurality of devices. More importantly, column 4, lines 54-58 teaches that a printer is only selected after the job ticket was formulated.) Schwarz further teaches the ability to convert the device independent printer options in the stored job ticket to the at least one printer specific command based on the defined capabilities file of the selected printer. **(The claim language does specify how the conversion is done. In view of this, the Examiner is using the broadest reasonable interpretation of the claim language in interpreting the conversion step as one wherein the device independent printer options are extracted so that a print command is send to the selected printer. Such a print command is taught in column 4, lines 59-62.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Hower with Schwarz to fully put forth the apparatus claimed in claim 6.

The motivation behind this modification is to put forth a print system that successfully outputs a print job by overcoming any possible mismatches between a job ticket and a specific printer. If the printer options specified in a job ticket are device dependent, then it would be hard to overcome any mismatches between the job ticket and the printer. Whereas if the print options specified in a job ticket are device independent, it would be easier to overcome mismatches by making it possible for the print job to be routed to another printer; here, the print job can be successfully outputted despite the mismatch with one printer.

Regarding claim 1, please refer to the rejection of claim 1. Note that claim 1 is a method claim that corresponds to the apparatus claimed in claim 6.

Regarding claim 11, please refer to the rejection of claim 1. Note that claim 11 describes a computer-readable medium storing a computer program that corresponds to the apparatus claimed in claim 6.

Regarding claims 2, 7, and 12, Hower further describes storing a plurality of definitions of printer capabilities, with at least two of the stored definitions being in different command formats, wherein the command formats for at least one printer of the plurality of printers map to the device independent set of desired printer options.

(Column 4, lines 49-65 raises the possibility of a plurality of mismatches. Note that the plurality of mismatches read on the concept of different command formats. Furthermore, Hower also teaches the possibility of a match between the printer and job ticket; this, in turn, reads on a printer mapping to the device independent printer options.)

Regarding claims 3, 8, and 13, Hower further teaches that at least three of the stored definitions are in different command formats. **(Column 4, lines 5-10 teaches that there could be a mismatch in quantity, enlargement, finishing, and so on. These are at least three examples of different command formats between the options contained in a print job ticket and a printer.)**

Regarding claims 4, 9, and 14, Schwarz further teaches the converting device independent printer options comprises incorporating into a printable format data file the at least one printer specific command. **(Column 4, lines 54-63 teaches that the print job document along with the options contained in a print job ticket are sent to the selected printer. This step inherently teaches the incorporation of a printer specific command since the print job ticket options and print job are transmitted to a selected printer. Note that the selection of a specific printer must mean that the attributes of the selected printer must match with the options specified in the print job ticket. And such a match implies the existence of a printer specific command.)**

Regarding claims 5, 10, and 15, Hower further discloses signaling an error comprises a message indicating that the requested option capability exceeds limits available to a printer which has a limited capability for the requested option. **(Column 6, lines 20-30 specifies that an error message is displayed to the user.)**

Regarding claims 16, 18, and 20, Schwarz further discloses that an operator is able to select a specified printer amongst a plurality of printers for a specific print job. **(Col 5 Lin 17-26)**

Regarding claims 17 and 19, Schwarz further compares the definition of printer capabilities for the specified printer with the set of device independent printer options to

Art Unit: 2625

determine if the device independent set of desired printer options is within the defined capabilities of the specified printer. **(Fig 7 #74 and column 5, line 60-column 6 line 15 teach the type of comparison step stated in the claim language.)**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHISH K. THOMAS whose telephone number is (571)272-0631. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashish K Thomas/
Examiner, Art Unit 2625

**/David K Moore/
Supervisory Patent Examiner, Art Unit 2625**